

## HOUSE BILL No. 1253

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-5-1.5.

**Synopsis:** Employment of illegal aliens. Requires the attorney general to petition a court to impose a civil penalty on an employer that knowingly or intentionally hires or employs an illegal alien. Provides that the civil penalty is: (1) not more than \$5,000 for each illegal alien employed for a first violation; and (2) not more than \$25,000 for each illegal alien employed for a second or subsequent violation. Provides that if a penalty has been imposed against a person within the previous five years, the person is not eligible for any state or local economic development incentives.

**Effective:** July 1, 2007.

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**Tincher, Stilwell**

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January 11, 2007, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1253

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-5-1.5 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]:

4       **Chapter 1.5. Employment of Illegal Aliens**

5       **Sec. 1. As used in this chapter, "illegal alien" means an**  
6       **individual:**

7           **(1) who is not a citizen of the United States; and**

8           **(2) who:**

9               **(A) entered the United States in violation of federal law;**

10              **(B) legally entered the United States but does not have the**  
11              **right to be employed in the United States; or**

12              **(C) legally entered the United States subject to a time limit**  
13              **but has remained illegally in the United States after**  
14              **expiration of the time limit.**

15       **Sec. 2. (a) As used in this chapter, "person" means an**  
16       **individual, a corporation, a limited liability company, a**  
17       **partnership, or another legal entity.**

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(b) The term does not include a nonprofit organization that is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code.

**Sec. 3. (a)** A person shall not knowingly or intentionally hire or employ an illegal alien.

(b) The attorney general shall petition a court with jurisdiction to impose one (1) or more of the following penalties on a person who violates subsection (a):

(1) For a first violation, a civil penalty of not more than five thousand dollars (\$5,000) for each illegal alien hired or employed by the person.

(2) For a second or subsequent violation, a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each illegal alien hired or employed by the person.

**Sec. 4.** If a penalty under section 2(b) of this chapter has been imposed against a person in the previous five (5) years, the person is not eligible for any state or local economic development incentives (as determined by the attorney general), including the following:

(1) A state tax liability credit under IC 6-3.1.

(2) A property tax deduction under IC 6-1.1-12.1 or IC 6-1.1-12.4.

(3) An incentive or other benefit available under IC 5-28-15 (enterprise zones).

(4) A loan, loan guarantee, grant, distribution, contract payment, incentive, or any other benefit from or payment of expenses by the Indiana finance authority, the Indiana economic development corporation, or any other state agency or body corporate and politic.

(5) An incentive or other benefit under any of the following tax increment finance statutes:

(A) IC 8-22-3.5 (airport development zones).

(B) IC 36-7-14 (redevelopment commissions).

(C) IC 36-7-14.5 (redevelopment authorities).

(D) IC 36-7-15.1 (redevelopment of areas in Marion County).

(E) IC 36-7-30 (military base reuse authorities).

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